

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ALIESHA D. JOHNSON

PLAINTIFF

V.

NO. 1:09CV69

STARKVILLE SCHOOL DISTRICT

DEFENDANT

ORDER

Plaintiff's motion to amend the pre-trial order in this case is hereby granted. Defendant has objected to this proposed amendment, but the court finds that it simply serves to update the record in this case regarding plaintiff's continually evolving work and personal history. Defendant has also filed a motion *in limine* to prevent plaintiff from introducing "evidence of [her] lost income" noting that

[o]n April 6, 2011, the plaintiff supplemented her pre-discovery disclosures and for the first time disclosed that she had completed her military service in February of 2010, was working part time for East Mississippi Community College and was working part-time with the West Point Police Department.

In support of this motion, defendant argues that it "has been prejudiced by the late supplementation as it will not have time to conduct any discovery regarding the plaintiff's duty to mitigate her damages or any other aspect of her work history after her deactivation." While the court agrees that plaintiff would have done well to provide more timely supplementation in this regard, the fact remains that, in a case of this nature, the proof will always need to be updated to account for the plaintiff's evolving work history leading up to trial.

Nevertheless, in recognition of the arguable prejudice suffered by defendant in this

regard, the court will grant it very wide latitude at trial to cross-examine plaintiff regarding the issue of mitigation of damages. The court sees no reason, however, to prevent the jury from considering the facts of plaintiff's personal and work history leading up to trial, and the motion *in limine* will therefore be denied.

It is therefore ordered that plaintiff's motion to amend [53-1] the pre-trial order is granted, and defendant's motion *in limine* [56-1] to preclude plaintiff from introducing proof of lost income is denied.

SO ORDERED this 14th day of April, 2011.

/s/ Michael P. Mills
CHIEF JUDGE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI